

**IN THE CHANCERY COURT
FOR WASHINGTON COUNTY, TENNESSEE**

BOBBY MacBRYAN GREEN,

PLAINTIFF,

v.

**JODI JONES,
HOWELL SHERROD,
BETTY ANN POLAHA, and
MARY LEE JONDAHL,**

Civil Action No.

DEFENDANTS

COMPLAINT

1. NOW COMES Plaintiff, Bobby MacBryan Green, pursuant to Rule 57, Tennessee Rules of Civil Procedure, and prays the Court for a Declaratory Judgment. Plaintiff asks the Court to declare :

- (a) the names of the members of the Executive Board of Southside Neighborhood Organization;
- (b) the limits of the power of the Executive Board to precipitately remove an officer;
- (c) the appropriate procedures for ouster of Plaintiff or 1any officer; and
- (d) the appointment of an impartial attorney listed as a Rule Supreme court mediator to supervise all stages of any effort to remove any officer.

In support of which, Plaintiff would show unto the Court that :

2. All named parties are members of Southside Neighborhood Organization, an unincorporated association operating under duly adopted *Bylaws*, an accurate copy of which is attached hereto as Exhibit One and incorporated herein by reference. Those *Bylaws* designate Robert's Rules of Order, Revised as the governing Authority. Robert's Rules of Order, Newly Revised has been used by the Organization since 2009 because it automatically supplants all previous editions. RONR, page ii.

3. Plaintiff is a citizen and resident of Johnson City, Tennessee, residing at 404 Holly Street, and is over 21 years of age.

4. Plaintiff is the President of Southside Neighborhood Organization, having been by a commanding margin duly elected to that office in November 2010 for a definite two year term ending in January 2013. He has held the office since October 2009. He has faithfully and diligently fulfilled the duties of President as set forth in the SNO *Bylaws* and Robert's Rules of Order, Newly Revised. His diligence is suggested by the attached *Order of Business* for 20 June 2011 (Exhibit Two) which he personally prepared and delivered. He is a member of the SNO Executive Board and serves as its presiding officer.

5. Defendant Jodi Jones is a citizen and resident of Johnson City, Tennessee, over 21 years of age and residing at 315 W. Locust Street. Jodi Jones is the elected Vice President of Southside Neighborhood Organization

[hereinafter "SNO"]. She is a member of the SNO Executive Board. Jodi Jones would automatically become President were Petitioner removed from office.

6. Defendant Betty Ann Polaha is a citizen and resident of Johnson City, Tennessee, over 21 years of age and residing at 616 W. Pine Street. She is the elected Secretary of SNO, a member of the SNO Executive Board, and the mother of Jodi Jones.

7. Defendant Mary Lee Jondahl is a citizen and resident of Johnson City, Tennessee, over 21 years of age and residing at 313 W. Locust Street. She is the elected Treasurer of SNO, and a member of the SNO Executive Board.

8. Defendant Howell Sherrod is a citizen and resident of Johnson City, Tennessee, over 21 years of age and residing at 723 W. Locust Street. He is not a member of the SNO Executive Board.

9. On Wednesday 22 June 2011 Plaintiff received from Howell Sherrod the email attached hereto and incorporated herein by reference as Exhibit Three. About one hour earlier, Petitioner had received from Jodi Jones the email Call for a special meeting of the SNO Executive Board displayed in Exhibit Three also.

10. Jodi Jones has Called the meeting of the Executive Board for 7PM on Sunday 26 June 2011, after Plaintiff protested to her that notice for this meeting date was inadequate, as he had committed to spend the entire weekend with his siblings in Virginia for their father's 80th birthday celebration. Several other Executive Board members likely to support Plaintiff will be out of state or out of

the country on Sunday 26 June 2011. With all this knowledge in hand, Jodi Jones proceeded to issue the Call. There are currently ten members of the Executive Board and the minimum number required for a quorum is six physically present in the same room. The Call anticipates the likelihood of the absence of a quorum: "The best I have been able to conjure is 5-6 members on any one date."

11. The Call identifies Howell Sherrod as referee. Jodi Jones has no authority to name a referee. Additionally, Howell Sherrod has proven himself to be anything but impartial, appearing at a SNO monthly meeting for the first time in Plaintiff's recollection on 20 June 2011, to clamor disruptively for immediate suspension for the entire meeting of all Robert's Rules and all the Bylaws. When Plaintiff explained that the Bylaws could not be suspended for any purpose whatsoever, Howell Sherrod began to rail and rant against Plaintiff.

12. The Call sets forth several other machinations which are allowed neither under the SNO Bylaws nor by Robert's Rules. Jones has no authority to authorize absentee voting or proxy voting or telephone voting. The Executive Board itself has no authority to implement the same. Nothing in the Call suggests any intention to conduct a trial based upon due process. Jodi Jones would automatically become President were Plaintiff removed from office.

13. Plaintiff sincerely believes that his effort to curtail other improper machinations by Jodi Jones and an allied small fraction of the SNO membership is the actual cause for the Call, and that Jodi Jones is fully aware that Plaintiff is

in no way incapacitated or negligent.

14. The Call is for the specific purpose of possible “discharge” of the Plaintiff from the office of President. Robert’s Rules of Order, Newly Revised mandates that

If, however, the bylaws provide that officers shall serve *only* a fixed term, such as “for two years” an officer can be deposed of office only by following the procedures for dealing with offenses by members outside a meeting; that is, an investigating committee must be appointed, it must prefer charges, and a formal trial must be held. [RONR, p. 643, lines 6-14]

15. Jodi Jones appears to erroneously rely upon page three of the SNO Bylaws which states that the Executive Board “shall have the authority and the responsibility to discharge by a three-fourth (3/4) vote any officer or committee chair who becomes incapacitated or otherwise fails to carry out the responsibilities of the office.”

16. Any attempt to expand this power to “discharge,” into a power of instant impeachment and removal from office is defeated not only by Robert’s Rules, but also by the context, and by the only possibly relevant definitions of “discharge” :

4. to dismiss from employment. 5. to allow to leave, *the patient was discharged from the hospital.*
[Oxford American Dictionary, Oxford University Press].

Plaintiff is not employed as President of SNO. Instead, he donates approximately

40 hours of his time to SNO every month, which amounts to the exact opposite of employment.

17. Should the Defendants be permitted to proceed with a meeting of the SNO Executive Board for the purpose of possible precipitate “discharge” of Plaintiff, serious irreparable harm will befall both Southside Neighborhood Organization and Plaintiff. Even were Plaintiff to remain in office, his ability to preside effectively over monthly meetings will be seriously diminished if the Executive Board is allowed to establish a precedent for such Star Chamber proceedings. Plaintiff’s ongoing efforts to bring SNO beyond its former reputation as the “neighborhood nazis” will be dashed. Were Plaintiff removed from office, even by the announced blatantly improper procedure, it is unlikely that a Court could restore him to office before expiration of his current term.

18. Defendants have demonstrated an intent to violate the Plaintiff’s rights by precipitately convening the Executive Board for improper purpose. A plan for the use of improper procedures at that meeting has been announced.

19. THEREFORE, Plaintiff prays the Court to declare :

- (a) the names of the current members of the Executive Board of Southside Neighborhood Organization;
- (b) the limits of the power of the Executive Board to precipitately remove an officer;
- (c) the appropriate procedures for ouster of Plaintiff or any officer;

and

(d) the appointment of an impartial attorney listed as a Rule
Supreme Court mediator to supervise all stages of any effort to
remove Plaintiff from office.

Respectfully submitted,

Bobby MacBryan Green, MD
Plaintiff
404 Holly Street
Johnson City, Tennessee 37604
423.928.1219
macbryangreen@gmail.com

VERIFICATION & AFFIDAVIT: After having been duly sworn and deposed, Bobby MacBryan Green says: I am over 21 years of age and I am the Plaintiff in this Civil Action. I have carefully read the attached Complaint. All the statements contained in the attached Complaint are true of my own personal knowledge, except for those matters in paragraph 13 which are based upon information and belief, and as to those, I believe them to be true. This the 23rd day of June 2011.

Bobby MacBryan Green

STATE OF TENNESSEE
COUNTY OF WASHINGTON

On this day, Bobby MacBryan Green, with whom I am personally acquainted and who also presented trustworthy identification, appeared personally before me, and after being duly sworn and deposed, executed the above affidavit.
This the 23rd day of June 2011.

Notary Public

My commission expires: